

Issued November 28, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2605.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Washington Brewery Co. Plea of guilty. Fine, \$75.

ADULTERATION AND MISBRANDING OF ALE.

On February 19, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against the Washington Brewery Co., a corporation, Washington, D. C., alleging the sale by said defendant, at the District aforesaid, in violation of the Food and Drugs Act, on July 25, 1912, of a quantity of so-called sparkling ale which was adulterated and misbranded. The product was labeled: "Washington Brewery Co. Trade Mark (Device) Sparkling Ale Guarantee Brewed from selected malt and hops and recommended by physicians as an aid to digestion. Thoroughly aged and bottled at the brewery."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 4.43; extract (per cent by weight), 5.35; extract original wort (per cent by weight), 12.43; degree fermentation, 56.96; volatile acid as acetic (grams per 100 cc), 0.017; total acid as lactic (grams per 100 cc), 0.153; maltose, 1.65 per cent; dextrin, 2.55 per cent; ash, 0.218 per cent; P_2O_5 , 0.044 per cent; proteid, 0.311 per cent; polarimeter undiluted ($^{\circ}V$) $+36$; color (degrees in $\frac{1}{4}$ -inch cell Lovibond), 4; undetermined, 0.62 per cent. Adulteration of the product was alleged in the information for the reason that another substance, to wit, beer, had been substituted in whole or in part for the genuine article of food, to wit, sparkling ale. Misbranding was alleged for the reason that the labels on the bottles bore the statements "Sparkling Ale * * * Brewed from selected malt and

hops," which said statements were false and misleading in that the product was not a sparkling ale brewed from selected malt and hops, but was another substance, to wit, beer brewed wholly or in part from a cereal and sugar product other than malt. Misbranding was alleged for the further reason that said statements on the label were false and misleading, and the product was labeled so as to mislead and deceive the purchaser thereof.

On February 19, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$75.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 19, 1913.*

2605

